

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No.1654 of 1986

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For Approval and Signature:

Hon'ble MR.JUSTICE R.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

1 to 5 : No

SAHEB RAO LOTAN PATIL

Versus

POLICE COMMISSIONER

Appearance:

MR RR MARSHALL for Petitioner

Ms.S.D. Talati, Assistant Govt. Pleader for
the respondent-State.

CORAM : MR.JUSTICE R.A.MEHTA

Date of decision: 24/12/97

ORAL JUDGEMENT :

The petitioner, who was working as Driver in Motor Transport Section under Surat Police Commissionerate, received an injury due to stone pelting on account of large scale disturbances that followed on the next day of assassination of the then Prime Minister Smt. Indira Gandhi. As a result of said injury the

petitioner lost his left eye.

2. On account of the impairment the petitioner was posted as an Armed Constable, instead of Driver, his original post, which the petitioner claims to be reversion inasmuch as he lost monthly allowance of Rs.50/- attached to the said post of Driver. On behalf of the respondents it is submitted that both the posts are equivalent and there is no reversion.

3. As far as the injury pension is concerned, the learned Assistant Government Pleader has placed on record a Government Resolution dated 29th August 1988 passed in pursuance of the letters of Director General and Gujarat Public Service Commission, granting the petitioner injury pension at the rate of Rs.86/- per month. Said Government Resolution is taken on record. In view of the above, both the prayers of the petitioner regarding injury pension are met.

4. The petition does not survive. Dismissed. Rule is discharged. Interim relief is vacated.

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